

**UNITED STATES DISTRICT COURT
SOUTHERN DISTRICT OF OHIO
EASTERN DIVISION**

James Alls,

Civil Case No. 2:16-cv-1001

Petitioner,

**Judge Michael H. Watson
Magistrate Judge Deavers**

v.

**Warden Belmont Correctional
Institution,**

Respondent.

OPINION AND ORDER

On January 11, 2018, the Magistrate Judge issued a Report and Recommendation ("R&R") recommending that this action be dismissed as time-barred. R&R 6, ECF No. 13. Although the parties were advised of the right to object to the Magistrate Judge's R&R, and of the consequences of failing to do so, *id.* at 7, no objections have been filed. The R&R is therefore **ADOPTED** and **AFFIRMED**. This action is **DISMISSED**.

Pursuant to 28 U.S.C. § 2253(c)(1)(B), the Court must also assess whether to issue a certificate of appealability. Rule 11 of the Rules Governing Section 2255 Proceedings for the United States District Courts states that "[t]he district court must issue or deny a certificate of appealability when it enters a final order adverse to the applicant." However, Petitioner has waived the right to file an appeal by failing to file objections to the Magistrate Judge's

recommendations. See *Thomas v. Arn*, 474 U.S. 140, 147 (1985); *United States v. Walters*, 638 F. 2d 947, 950 (6th Cir. 1981). The Court therefore **DECLINES** to issue a certificate of appealability.

IT IS SO ORDERED.


MICHAEL H. WATSON, JUDGE
UNITED STATES DISTRICT COURT